



10/825,483

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	METZGER ET AL.	Examiner:	U. HO
Serial No.:	10/825,483	Group Art Unit:	3731
Filed:	April 14, 2004	Docket No.:	13033.5USC1
Title:	STIFFENING PHARYNGEAL WALL TREATMENT		

CERTIFICATE UNDER 37 CFR 1.8:  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 28, 2006.  
By: *Linda M. Beckman*  
Name: *Linda M. Beckman*

DECLARATION OF TIMOTHY R. CONRAD  
UNDER 37 C.F.R. Sec. 1.131

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

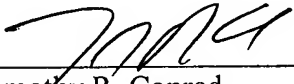
**23552**  
PATENT TRADEMARK OFFICE

Timothy R. Conrad declares as follows:

1. I am an attorney (Reg. No. 30,164) prosecuting the above-referenced patent application (the '483 application) which is a continuation application of U.S. Patent Application Ser. No. 10/237,149 filed September 6, 2002 as a continuation-in-part application of 10/066,967 filed February 4, 2002.
2. This declaration is submitted in response to a December 29, 2004 Patent Office in the '483 application rejecting claims based on U.S. Patent No. 6,431,174 issued August 13, 2002.
3. Attached as Exhibit A (eight pages) are true and correct copies of change-of-name documents changing the name of Pi Medical Inc. to Restore Medical Inc. and as recorded by the Patent Office on January 29, 2003 (Reel/Frame: 013706/0220) and pertaining to both the parent of the present application (i.e., Ser. No. 10/237,149 as listed on page 3 of the Patent Office recordation notice) and U.S. Patent No. 6,431,174 (as listed second to the bottom on page 2 of the Patent Office recordation notice).

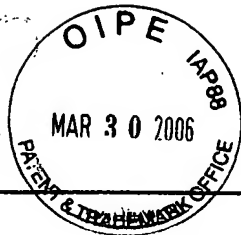
4. The foregoing statements are made of my own knowledge and are true. I hereby acknowledge I am warned that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon (35 U.S.C. Sec. 25 and 18 U.S. C. Sec. 1001).

Dated: ~~May~~ <sup>March</sup> 27, 2006

By:   
Timothy R. Conrad



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



13033.SUSTI/

JUNE 05, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903



\*102353349A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/29/2003

REEL/FRAME: 013706/0220  
NUMBER OF PAGES: 5

BRIEF: MERGER AND CHANGE OF NAME

ASSIGNOR:  
PI MEDICAL INC.

DOC DATE: 12/09/2002

ASSIGNEE:  
RESTORE MEDICAL INC.  
2800 PATTON ROAD  
ST. PAUL, MINNESOTA 55113

SERIAL NUMBER: 09398991  
PATENT NUMBER: 6250307

FILING DATE: 09/17/1999  
ISSUE DATE: 06/26/2001

SERIAL NUMBER: 09872699  
PATENT NUMBER: 6523543

FILING DATE: 06/01/2001  
ISSUE DATE: 02/25/2003

SERIAL NUMBER: 09872789  
PATENT NUMBER:

FILING DATE: 06/01/2001  
ISSUE DATE:

SERIAL NUMBER: 09872545  
PATENT NUMBER:

FILING DATE: 06/01/2001  
ISSUE DATE:



SERIAL NUMBER: 10036915  
PATENT NUMBER:

FILING DATE: 01/03/2002  
ISSUE DATE:

SERIAL NUMBER: 10121166  
PATENT NUMBER: 6578580

FILING DATE: 04/11/2002  
ISSUE DATE: 06/17/2003

SERIAL NUMBER: 09814456  
PATENT NUMBER: 6516806

FILING DATE: 03/21/2001  
ISSUE DATE: 02/11/2003

SERIAL NUMBER: 09814459  
PATENT NUMBER:

FILING DATE: 03/21/2001  
ISSUE DATE:

SERIAL NUMBER: 09992277  
PATENT NUMBER: 6502574

FILING DATE: 11/14/2001  
ISSUE DATE: 01/07/2003

SERIAL NUMBER: 09434653  
PATENT NUMBER: 6401717

FILING DATE: 11/05/1999  
ISSUE DATE: 06/11/2002

SERIAL NUMBER: 09513042  
PATENT NUMBER: 6453905

FILING DATE: 02/25/2000  
ISSUE DATE: 09/24/2002

SERIAL NUMBER: 09513039  
PATENT NUMBER: 6415796

FILING DATE: 02/25/2000  
ISSUE DATE: 07/09/2002

SERIAL NUMBER: 09513432  
PATENT NUMBER: 6450169

FILING DATE: 02/25/2000  
ISSUE DATE: 09/17/2002

SERIAL NUMBER: 09602141  
PATENT NUMBER: 6390096

FILING DATE: 06/23/2000  
ISSUE DATE: 05/21/2002

SERIAL NUMBER: 09814471  
PATENT NUMBER: 6513530

FILING DATE: 03/21/2001  
ISSUE DATE: 02/04/2003

SERIAL NUMBER: 09814460  
PATENT NUMBER: 6513531

FILING DATE: 03/21/2001  
ISSUE DATE: 02/04/2003

SERIAL NUMBER: 09815154  
PATENT NUMBER: 6523541

FILING DATE: 03/21/2001  
ISSUE DATE: 02/25/2003

SERIAL NUMBER: 09815466  
PATENT NUMBER: 6507675

FILING DATE: 03/23/2001  
ISSUE DATE: 01/14/2003

SERIAL NUMBER: 09409018  
PATENT NUMBER:

FILING DATE: 09/29/1999  
ISSUE DATE:

SERIAL NUMBER: 09608651  
PATENT NUMBER: 6439238

FILING DATE: 06/30/2000  
ISSUE DATE: 08/27/2002

SERIAL NUMBER: 09636803  
PATENT NUMBER: 6431174

FILING DATE: 08/10/2000  
ISSUE DATE: 08/13/2002

SERIAL NUMBER: 10190183  
PATENT NUMBER: 6546936

FILING DATE: 07/03/2002  
ISSUE DATE: 04/15/2003

013706/0220 PAGE 3

SERIAL NUMBER: 10066967  
PATENT NUMBER:

FILING DATE: 02/04/2002  
ISSUE DATE:

SERIAL NUMBER: 10237149  
PATENT NUMBER:

FILING DATE: 09/06/2002  
ISSUE DATE:

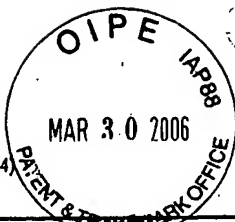
THERESA FREDERICK, EXAMINER  
ASSIGNMENT DIVISION  
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FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

M&G-13033.000001



RECORDAT  
P1

01-31-2003



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

102353349

To the Commissioner of Patents and Trademarks: Please record the attached original.

1. Name of conveying party(ies):

Pi Medical, Inc.

1-29-03

2. Name and address of receiving party(ies):

Restore Medical, Inc.  
2800 Patton Road  
St. Paul, Minnesota 55113

OFFICE OF PUBLIC RECORDS  
2003 JAN 29 PM 3:25  
FINANCE SECTION

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☒ Merger  
☐ Security Agreement ☒ Change of Name  
☐ Other:

Execution Date: December 9, 2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

See Table A

B. Patent No.(s)

See Table A

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Nancy J. Parsons  
Address: Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903



6. Total number of applications and patents involved: 24

7. Total fee (37 CFR 3.41): \$960.00  
☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Nancy J. Parsons

Name of Person Signing

*Nancy Parsons*  
Signature

*Jan 22, 2003*  
Date

Total number of pages including cover sheet, attachments, and document: 5

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Director - U.S. Patent and Trademark Office  
Washington, D.C. 20231

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01/30/2003 TDI/AZI 00000040 09398991

01 FC:002 960.00 00

**TABLE A**

Attorney Docket No.	Serial No.	Filing Date	Title	Patent No.	Issue Date	Current Assignee
13033.1US01	09/398,991	09/17/1999	Snoring Treatment	6,250,307	06/26/2001	Pi Medical, Inc.
13033.1USC1	09/872,699	06/01/2001	Permanent Snoring Implant			Pi Medical, Inc.
13033.1USC2	09/872,789	06/01/2001	Expandable Snoring Implant			Pi Medical, Inc.
13033.1USC3	09/872,545	06/01/2001	Stiff Snoring Implant			Pi Medical, Inc.
13033.1USC4	10/036,915	01/03/2002	Braided Implant For Snoring Treatment			Pi Medical, Inc.
13033.1USC5	10/121,166	04/11/2002	Needle With Pre-Loaded Implant For Snoring Treatment			Pi Medical, Inc.
13033.1USIA	09/814,456	03/21/2001	Compliant Snoring Treatment Implant			Pi Medical, Inc.
13033.1USIB	09/814,459	03/21/2001	Contracting Snoring Treatment Implant			Pi Medical, Inc.
13033.1USIC	09/992,277	11/14/2001	Lateral Stiffening Snoring Treatment	6,502,574	01/07/2003	Pi Medical, Inc.
13033.1USI1	09/434,653	11/05/1999	Snoring Treatment	6,401,717 B1	06/11/2002	Pi Medical, Inc.
13033.1USI2	09/513,042	02/25/2000	Multi-Component Snoring Treatment	6,453,905	09/24/2002	Pi Medical, Inc.
13033.1USI3	09/513,039	02/25/2000	Placement Tool For Snoring Treatment	6,415,796 B1	07/09/2002	Pi Medical, Inc.
13033.1USI4	09/513,432	02/25/2000	Braided Implant For Snoring Treatment	6,450,169	09/17/2002	Pi Medical, Inc.
13033.1USI5	09/602,141	06/23/2000	Needle With Pre-Loaded Implant For Snoring Treatment	6,390,096 B1	05/21/2002	Pi Medical, Inc.
13033.1USI6	09/814,471	03/21/2001	Braided Palatal Implant For Snoring Treatment			Pi Medical, Inc.
13033.1USI7	09/814,460	03/21/2001	Proximal Placement Of Snoring Treatment Implant			Pi Medical, Inc.
13033.1USI8	09/815,154	03/21/2001	Delivery System For Snoring Treatment Implant And Method			Pi Medical, Inc.
13033.1USI9	09/815,166	03/21/2001	Snoring Treatment Implant And Method			Pi Medical, Inc.
13033.2US01	09/409,018	09/29/1999	Implantable Stimulation Device For Snoring Treatment			Pi Medical, Inc.
13033.3US01	09/608,651	06/30/2000	Snoring Diagnostic And Treatment	6,439,238 B1	08/27/2002	Pi Medical, Inc.
13033.4US01	09/636,803	08/10/2000	Method And Apparatus To Treat Conditions Of The Naso-Pharyngeal Area	6,431,174 B1	08/13/2002	Pi Medical, Inc.
13033.4USC1	10/190,183	07/03/2002	Method And Apparatus To Treat Conditions Of The Naso-Pharyngeal Area			Pi Medical, Inc.
13033.5US01	10/066,967	02/04/2002	Pharyngeal Wall Treatment			Pi Medical, Inc.
13033.5USI1	10/237,149	09/06/2002	Stiffening Pharyngeal Wall Treatment			Pi Medical, Inc.

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**ARTICLES OF MERGER  
OF  
PI SUB, INC.  
WITH AND INTO  
PI MEDICAL, INC.**

Pursuant to Section 302A.621 of the Minnesota Business Corporation Act, the Minnesota parent business corporation hereinafter named does hereby certify that:

**FIRST:** The name of the subsidiary corporation, which is a business corporation of the State of Minnesota, is Pi Sub, Inc. ("Subsidiary").

**SECOND:** The name of the parent corporation, which is a business corporation of the State of Minnesota, and which is to be the surviving corporation, is Pi Medical, Inc. ("Parent").

**THIRD:** The number of outstanding shares of Subsidiary is 100, all of which are of one class, and all of which are owned by Parent.

**FOURTH:** The following is the Plan of Merger for merging Subsidiary with and into Parent as was approved by the Board of Directors of Parent in the manner prescribed by Section 302A.621 of the Minnesota Business Corporation Act as of December 2, 2002.

1. Parent, which is a business corporation of the State of Minnesota and is the owner of all of the outstanding shares of Subsidiary, which is also a business corporation of the State of Minnesota, hereby merges Subsidiary with and into Parent pursuant to the provisions of the Minnesota Business Corporation Act.

2. The separate existence of Subsidiary shall cease upon the effective date of the merger pursuant to the provisions of the Minnesota Business Corporation Act; and Parent shall continue its existence as the surviving corporation pursuant to the provisions of said Minnesota Business Corporation Act; provided, however, that upon the effectiveness of the merger, Article I of the Amended and Restated Articles of Incorporation of Parent shall be amended to read in its entirety as follows:

The name of the corporation is "Restore Medical, Inc."

3. The issued shares of Subsidiary shall not be converted in any manner, but each said share which is issued as of the effective date of the merger shall be surrendered and extinguished.



4. The issued shares of Parent shall not be converted in any manner, but each said share which is issued as of the effective date of the merger shall continue to represent one issued share of Parent.

5. The Board of Directors and the proper officers of Parent are hereby authorized, empowered, and directed to do any and all acts and things, and to make, execute, deliver, file, and/or record any and all instruments, papers, and documents which shall be or become necessary, proper, or convenient to carry out or put into effect any of the provisions of this Plan of Merger or of the merger herein provided for.

FIFTH: Parent will continue its existence as the surviving corporation pursuant to the provisions of the Minnesota Business Corporation Act; provided, however, that upon the effectiveness of the Merger, Article I of the Amended and Restated Articles of Incorporation of Parent shall be amended to read in its entirety as set forth in the Plan of Merger included in Article FOURTH above.

SIXTH: The Merger shall be effective as of the date of filing of these Articles of Merger.

Dated as of this 9<sup>th</sup> day of December, 2002.

PI MEDICAL, INC.

By

S. L. Critzer

Name: Susan L. Critzer

Title: President and

Chief Executive Officer

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

DEC 09 2002

Mary Kiffmeyer  
Secretary of State

STATE OF MINNESOTA

DEPARTMENT OF STATE

I hereby certify that this is a  
true and complete copy of the  
document as filed for record in  
this office.

DATE: 12/9/02

Marg Hiffmeyer

Secretary of State



By

Linda J. Amuly

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